



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

Refer to:  
OSB1997-0836-RI

June 1, 1998

Vic Manning  
Acting District Manager  
ATTN: Dale Johnson  
Medford BLM District  
3040 Biddle Road  
Medford, Oregon 97504

J. Michael Lunn  
Forest Supervisor  
ATTN: Randy Frick  
Siskiyou National Forest  
200 NE Greenfield Road  
PO Box 440  
Grants Pass, Oregon 97526

Re: Reinitiation of Consultation on Mining Actions in August  
15, 1997 Biological Opinion on Forest Service and BLM  
Actions Affecting Southern Oregon/Northern California  
Coho Salmon

Dear Mr. Manning and Mr. Lunn:

Per 50 CFR Part 402, Interagency Cooperation - Endangered Species Act of 1973, as Amended, the National Marine Fisheries Service (NMFS) requests reininitiation of consultation on most of the individual mining operations covered in the Biological Opinion dated August 15, 1997 (1997 Opinion). Reinitiation is requested because new information reveals that the actions may affect Southern Oregon/Northern California coho salmon (SONC coho) in a manner or to an extent not previously considered, and that the amount or extent of incidental take may be greater than authorized in the 1997 Opinion. Reinitiation of consultation is requested for all mining operations other than gold panning and suction dredging conducted with intakes four inches or less in diameter and a motor of 10 horsepower or less (listed in Table 1 below).

Since the completion of the 1997 Opinion, NMFS has collected information on the mining actions in Table 1 that indicate more extensive and longer-lasting adverse effects than previously considered. Many of these actions are degrading more aquatic and riparian habitat than was apparent in the 1997 Biological Assessment (1997 BA) prepared in May 1997 pursuant to the Endangered Species Act (ESA) consultation



covered by the 1997 Opinion. In addition, the information since collected by NMFS indicates that the reclamation plans for many of these actions are not as extensive or as effective as originally thought.

We are not requesting reinitiation of consultation on gold panning and suction dredging conducted with intakes four inches or less and a motor of 10 horsepower or less because these

actions are covered by the Oregon Department of Environmental Quality (ODEQ) General Permit (#700-J, expiration date of 3/31/2002). For these mining actions, this ODEQ permit requires:

1. The miner to apply for the permit, pay a fee, and identify location and timing of the mining activity;
2. The miner to restrict operations to the Oregon Department of Fish and Wildlife's instream work windows;
3. The dredge to have a nozzle diameter of four inches or less;
4. The dredge to be 40 horsepower or less;
5. The miner to get a Clean Water Act Section 404 permit to mine more than 50 yd<sup>3</sup>.

Note that we are requesting reinitiation of consultation on suction dredging with dredges over 10 horsepower, but the ODEQ permit allows dredges up to 40 horsepower. This is due to the fact that we feel that suction dredging actions using a dredge greater than 10 horsepower may be causing more extensive and longer-lasting adverse effects than previously considered in the 1997 Opinion. If possible, we would like to consult simultaneously on the mining actions in the Table 1 (reinitiated actions) and the Forest Service (FS) and Bureau of Land Management (BLM) mining actions deferred from consultation in 1998 by the Southwestern Province aquatic Level 1 team listed in Table 2 (deferred actions). The actions listed in Table 2 were deferred because information was inadequate in the 1998 BA to determine consistency with the March 1997 Land and Resource Management Plan/Resource Management Plan biological opinion (LRMP Opinion) on southwest Oregon LRMPs and RMPs.

NMFS' information on the status of individual operations are not necessarily current and we request that the following information be provided to NMFS' Level 1 team representative as soon as possible to facilitate this consultation:

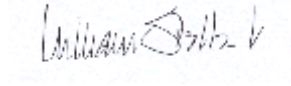
1. List of actions in Tables 1 or 2 which are no longer proposed, if any;
2. List of actions in Tables 1 or 2 over which the FS or BLM no longer retains discretion (please describe why), if any;
3. List of all other mining actions affecting listed, proposed, or candidate salmonids on FS or BLM lands (other than gold panning and 10 hp or less suction dredges with intake hoses of 4 inches or less) over which the agencies do not have discretion, if any. Please describe why discretion is not retained for these actions.

We recommend that the Level 1 team coordinate the writing of a BA that documents consistency, or lack thereof, of all relevant actions in Tables 1 and 2 with the requirements of the LRMP Opinion. The BA should address the LRMP Opinion's Reasonable and Prudent Measures #1, 2, 3, 12 and 13 (p.63-66) and their accompanying Terms and Conditions (p.66-70, 74). The BA should also include project modifications, where appropriate, that render the actions consistent with the requirements of the LRMP Opinion. Actions that cannot be modified in a manner consistent with these requirements should be discontinued. The BA should be completed following the Streamlined Consultation Agreement.

Our objective is to ensure that all ongoing and proposed FS and BLM actions affecting listed anadromous salmonids in southwest Oregon be consistent with the LRMP Opinion in order

to be in compliance with the ESA. Please contact Craig Burns at (541) 957-3355 or Lance Smith at (503) 231-2307 of my staff with any questions or suggestions.

Sincerely,

A handwritten signature in dark ink, appearing to read "William Stelle, Jr.", is centered below the word "Sincerely,". The signature is written in a cursive, somewhat stylized script.

William Stelle, Jr.  
Regional Administrator

cc: Grant Gunderson, Forest Service Regional Office, Portland  
Scott Woltering, Forest Service Regional Office, Portland  
Karl Stein, BLM State Office, Portland  
James T. Gladen, Rogue River National Forest, Medford  
Melanie Anderson, Rogue River National Forest, Medford  
Sue Richardson, Coos Bay BLM District, North Bend  
Bill Hudson, Coos Bay BLM District, North Bend  
Bob Castaneda, Winema National Forest, Klamath Falls  
Mike McCabe, Oregon Department of State Lands, Salem  
Mike Evenson, Oregon Department of Fish and Wildlife,  
Central Point  
Russ Stauff, Oregon Department of Fish and Wildlife, Gold  
Beach  
Steve Wille, U.S. Fish and Wildlife Service, Portland

Table 1 - Individual Mining Actions from August 15, 1997  
Biological Opinion

**Medford Bureau of Land Management District**

Ashland Resource Area

Oregon Belle (or Lucky Strike) Commercial Mining Claim

**Siskiyou National Forest**

Galice Ranger District

Red Dog Mining

Gold Quest Mining

J.Gates Mining Claim on Silver Creek

Gold Beach Ranger District

Lobster Creek Suction Dredge Mining

Illinois River Ranger District

Petite Mining Proposal along the Illinois River

Chetco Ranger District

Higgins Suction Dredge Mine

Table 2 - Mining Actions Deferred from Previous  
Consultation in 1998

**Siskiyou National Forest**

Illinois River Ranger District

Homestead Mine	Cohen Creek Placer
Pegas Mine	Tracy Placer
Kolo Mine	Prospect #1
Defiance Mine	River Channel 1-3
Smith Mine	Independence #1
NICORE Strip Mine	Chetco River Claims
Webb Mine	Higgins Suction Dredge

Galice Ranger District

Double Eagle Lode Claim Mine  
B&L Placer Mine  
Moynahan Lode Claim